

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

ANTHONY WESTBROOK

PLAINTIFF

v.

NO. 4:13-CV-0415 JMM

DEPUTY CALVIN REED;
SHERIFF BRUCE PENNINGTON;
JOHN and JANE DOES I-V and
COUNTY OF SALINE

DEFENDANTS

PLAINTIFF'S PRETRIAL DISCLOSURE SHEET

Pursuant to the requirements of Local Rule 26.2 and Rule 26(a)(3), Fed.R.Civ.P.,
Plaintiff submits this pretrial disclosure sheet:

1. The identity of the party submitting the information.

RESPONSE 1: Plaintiff, Anthony Westbrook, through his counsel, James F. Swindoll and the Law Offices of James F. Swindoll.

2. The names, addresses, and telephone numbers of all counsel for the parties.

RESPONSE 2: Counsel for the plaintiff: James F. Swindoll of the Law Office of James F. Swindoll, 212 Center Street, Suite 300, Little Rock, Arkansas 72201, (501) 374-1290.

Counsel for the defendants: George D. Ellis, 126 North Main Street, Benton, Arkansas 72015 (501) 315-1000.

3. A brief summary of claims and relief sought.

RESPONSE 3: Plaintiff alleges the defendants violated his 14th amendment rights to due process when they summarily punished him for an alleged infraction at the Saline County Detention Center by using force which was excessive and punitive in nature. The use of excessive force as punishment against detainees was the pattern and practice of the Saline County Detention Center. Despite being given notice, the County and Sheriff Pennington made to changes to the pattern and practice of using excessive force as punishment against detainees in the facility.

Plaintiff seeks monetary, compensatory, and punitive relief.

4. Prospects for settlement.

RESPONSE 4: None.

5. The basis for jurisdiction and objections to jurisdiction.

RESPONSE 5: This Court has jurisdiction over violations of 42. U.S. § 1983. Plaintiff does not object to jurisdiction.

6. A list of pending motions.

RESPONSE 6: Defendant has a pending motion for summary judgment.

7. A concise summary of the facts.

RESPONSE 7: On May 8, 2011, plaintiff was arrested and brought to the Saline County Detention Center. While detained at the Saline County Detention Center he was instructed on the process for bailing out. At the direction of the female officer on duty, plaintiff reached across the front desk to retrieve papers for bail and inadvertently took additional papers. Plaintiff took the papers into the restroom near the front desk. Deputy McCloud followed the plaintiff into the restroom and retrieved the papers. Plaintiff complied with Deputy McCloud's requests and exited the restroom. Defendant

Deputy Reed securely strapped plaintiff into the restraint chair and yelled at the plaintiff for the alleged infraction of reaching across the desk without permission. Deputy Reed then slammed the plaintiff's head and the chair he was strapped into against the wall. Plaintiff's dental plate was broken as a result of the hit against the wall. Plaintiff was then wheeled into a courtroom and a cell. Plaintiff remained in the restraint chair for a period of four hours. At no point did any of the defendants intervene to stop the use of force against the plaintiff.

8. All proposed stipulations.

RESPONSE NO. 8:

- a. Anthony Westbrook was a detainee at the Saline County Detention Center.
 - b. The Saline County Detention Center and its employees have and had no right to punish detainees.
 - c. The officers at the Saline County Detention Center had no right to use excessive force against detainees.
 - d. The officers at the Saline County Detention Center had an obligation to intervene when they saw an officer using excessive and unconstitutional force on a detainee.
 - e. The defendants were acting under color of law at the time of the incident.
9. The issues of fact expected to be contested.

RESPONSE 9: 1) Whether the defendants used unconstitutional force to punish detainee, Anthony Westbrook. 2) Whether the defendants used unconstitutional and excessive force against Anthony Westbrook.

10. The issues of law expected to be contested.

RESPONSE 10: 1) Whether historical statements by the Plaintiff are relevant to the issue of this cause of action. 2) Whether social media publications are relevant as to the events of this cause of action.

11. A list and brief description of exhibits, documents, charts, graphs, models, schematic diagrams, summaries, and similar objects which may be used in opening statement, closing argument, or any other part of the trial, whether or not they will be offered into evidence. Separately designate those documents and exhibits which the party expects to offer and those which the party may offer.

RESPONSE 11: Video of the incident; stills taken from the video of the incident; prisoner rights and excessive force excerpts from the Saline County Detention Center handbook; the ADR the plaintiff allegedly removed from the desk; officer reports on the use of force on the plaintiff; pictures of the plaintiff's injuries; bills and records of the dental care relating to plaintiff's injuries.

12. The names, addresses, and telephone numbers of witnesses for the party. Separately identify witnesses whom the party expects to present and those whom the party may call. Designate witnesses whose testimony is expected to be presented via deposition and, if not taken stenographically, a transcript of the pertinent portion of the deposition testimony.

RESPONSE 12: Anthony Westbrook, 1071 Graham Rd, Benton, Ar 72015 501-326-8766; Janie Westbrook 501-326-0471; Deon McGuire 501-317-5595; Jason Miller 501-326-7472; Erika Cook 870-314-3488; Yasmin Hamad 573-645-8561; Melissa Holcombe 501-861-1123.

13. The current status of discovery, a precise statement of the remaining discovery and an estimate of the time required to complete discovery.

RESPONSE 13: Discovery is complete.

14. An estimate of the length of trial and suggestions for expediting disposition of the action.

RESPONSE 14: Two (2) days.

Respectfully submitted,

/s/ **James F. Swindoll**
Bar Number 77131
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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to the following:

Mr. George D. Ellis
Ellis Law Firm
Attorneys at Law
Post Office Box 2307
Benton, Arkansas 72018-2307

/s/ **James F. Swindoll**
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